



Commonwealth  
of Massachusetts

## *OCPF Online*

*www.mass.gov/ocpf*

*Office of Campaign and Political Finance*

*One Ashburton Place, Room 411*

*Boston, MA 02108*

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### Advisory Opinion

August 23, 2004

AO-04-13

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RE: Regional school district website design program

Dear Mr. Lenox:

This letter is in response to your July 27, 2004 request for an advisory opinion.

You have stated that the regional public vocational school that you represent offers website design training to its students. Knowing about the existence of this academic program, the state senator whose district covers most of the towns in the school district has asked if the school would be interested in providing an opportunity for students in the website design program to work on the state senator's constituent services website. You state that this is the type of project that would provide beneficial practical experience to students.

#### QUESTION

May students, during the school day, assist in the development of the website?

#### RESPONSE

Yes, if the website does not contain campaign materials, and is limited to providing constituent services. The site, and its address, may not solicit political contributions, votes or volunteers, or advocate for or against a candidate, party or ballot question. In addition, it cannot contain a link to a site that contains such campaign materials.

In Anderson v. City of Boston, 376 Mass. 178 (1978), appeal dismissed, 439 U.S. 1069 (1979), the Supreme Judicial Court looked to the provisions of M.G.L. c. 55, the Massachusetts campaign

finance law, in addressing the question of whether municipalities can spend funds for the purpose of influencing the results of a referendum question. The Court stated that the statute bars municipalities from making such expenditures since the statute “demonstrate[s] a general legislative intent to keep political fund raising and disbursing out of the hands of nonelective public employees and out of city and town halls.” *Id.* at 186-187. The court also noted that the campaign finance law demonstrates an intent “to assure fairness of elections and the appearance of fairness in the electoral process.” *Id.* at 193.

To ensure compliance with Anderson, government entities may not use public resources for political purposes<sup>1</sup>, unless such use is authorized by statute. See IB-91-01. In order to determine whether a particular governmental resource (including time of public school teachers and administrators) may be used without violating the campaign finance law, even if it may incidentally provide a political benefit to a candidate, it is necessary to look to the primary purpose of the activity. See Weld for Governor v. Director of the Office of Campaign and Political Finance, 407 Mass. 761, 770-1 (1990) (the determination of whether an activity involves an “expenditure” or “contribution” for the purposes of the campaign finance law depends on the primary purpose of the activity).

The stated purpose of the website design program is to help the students develop skills. If the use of the website design program results in a website limited to providing constituent services, the use of the program would be consistent with the campaign finance law. If, however, the website ultimately contains political campaign material, e.g., it asks for votes or contributions, the office might conclude that the website design program was used to support the candidate’s campaign.

In any event, a legislator’s official web page accessed through the state server and the General Court website may not contain solicitations for political contributions, votes or volunteers, or advocate for or against a candidate, party or ballot question. See AO-01-05 and IB-04-01 (copies enclosed), stating that a legislator’s official website may be linked to a legislator’s private website, but only if the text of the link and the web address does not advocate a particular vote, the content of the private website does not contain campaign related material, and there is a disclaimer advising readers that they will be leaving the official website if they click on the link.

This opinion is issued solely within the context of the Massachusetts campaign finance law and is based on the representations made in your letter. Please contact us if you have further questions.

Sincerely,

A handwritten signature in dark ink, reading "Michael J. Sullivan". The signature is fluid and cursive, with the first name "Michael" being the most prominent. It is written on a white background.

Michael J. Sullivan  
Director

MJS:gb  
Enclosures

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<sup>1</sup> Activities undertaken for “political purposes” include any activity intended to influence the results of a state or local election, including expenditures to promote or oppose candidates, political parties, PACs, or ballot questions.